

For Clerk's Office Use		
Judge <u>M</u>	Recd Date	Grv.

For use by inmates in filing a complaint under **CIVIL RIGHTS ACT, 42 USC §1983**

INMATE NAME: ADAM D. TOGHILL

PRISONER NO.: 2012-03737 / PCP-026884

PLACE OF CONFINEMENT: CENTRAL VIRGINIA REGIONAL JAIL **CLERK'S OFFICE U.S. DISTRICT COURT**
AT ROANOKE, VA
FILED
OCT 21 2013
JULIA C. DUSKEY, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION

ADAM DARRICK TOGHILL
 Enter Full Name Plaintiff

vs.

CIVIL ACTION NO. 7:13CV00490

PATRICK SIEMERT (LCS) / LOUISA CO. SHERIFF DEPT

CHARLOTTESVILLE PD / ALBEMARLE CO. SHERIFF / COMMONWEALTH OF VIRGINIA
 Enter Full Name(s) Defendant(s)

A. Have you begun other actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

X Yes No

B. If your answer to A is Yes, describe the action in the space below.

1. Parties to the Action: COMMONWEALTH OF VIRGINIA

2. Court: VA COURT OF APPEALS

3. Docket No.: 2230-12-2

4. Judge: PENDING

5. Disposition: PENDING

(For example, is the case still pending? if not, what was the ruling? Was the case appealed?)

C. Have you filed any grievances regarding the facts of your complaint?

Yes No X

1. If your answer is Yes, complete the enclosed verified statement, indicating the result. Please attach evidence of your exhaustion of all available grievance procedures.

2. If your answer is No, indicate the reason for failure to exhaust on the verified statement. You may be required to exhaust your claims through any applicable grievance procedures. Your complaint may be dismissed if you fail to exhaust all avenues of the grievance process in a timely fashion.

- D. Statement of Claim - State here briefly the facts of your case. Describe what action(s) each defendant took in violation of your constitutional rights. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. Use as much space as needed. You may attach extra paper if necessary.

Claim #1 - Supporting Facts - Tell your story briefly without citing cases or law.

I WAS ARRESTED, TRIED AND CONVICTED UNDER VA §18.2-374.3 (C)(3),
IN SPECIFIC SOLICITATION OF A MINOR TO COMMIT ORAL SODOMY. THE
PREDICATE FELONY §18.2-361(A) IS UNCONSTITUTIONAL AS STATED BY

~~Claim #2 - Supporting Facts - Tell your story briefly without citing cases or law.~~

4th Circuit Court of Appeals in MacDonald v. Moose
Record # 11-7427 3/12/13. AS SUCH, SIEWERT (ET AL) VIOLATED
CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS WHICH A REASONABLE PERSON

~~Claim #3 - Supporting Facts - Tell your story briefly without citing cases or law.~~

WOULD HAVE KNOWN. MY ARREST WAS A RESULT OF A STING OPERATION
RUN BY SIEWERT IN ACCORD WITH LOUISA/CHARLOTTESVILLE/ALBEMARLE.
VIOLATION OF DUE PROCESS RIGHTS.

- E. State what relief you seek from the Court. Make no legal arguments, cite no cases or statutes.

COMPENSATORY DAMAGES (LOST WAGES/BENEFITS/LEGAL FEES) SINCE 4/1/11.
PUNITIVE DAMAGES (MENTAL ANGUISH/REPUTATION/FUTURE EMPLOYMENT)

SIGNED THIS 3rd DAY OF October, 2013.


(Signature of Each Plaintiff)

VERIFICATION:

I, Adam TOGHILL, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 USC §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, three or more occasions, while incarcerated, brought an action or appeal in federal court that are dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of filing fees.

I declare under penalty of perjury the foregoing to be true and correct.

DATED: 10/3/13 SIGNED: 

TOGHILL, CURTIS A.
13021 JAMES MADISON HWY
ORANGE, VA 22960



CLERK, US DISTRICT COURT
PO BOX 1234
ROANOKE, VA 24006-1234

NOTIFY SENDER OF NEW ADDRESS
US DISTRICT COURT CLERKS OFC
210 FRANKLIN RD SW STE 540
ROANOKE VA 24011-2208

2401102208
24006123434

RC: 24011220840 *1550-01209-04-40

USDC Clerk's Office
Mail Room

OCT 21 2013

RECEIVED

Central Virginia Regional Jail neither
censored nor inspected this item
therefore Central Virginia Regional
Jail does not assume responsibility